

PUBLIC CHAPTER NO. 421

SENATE BILL NO. 1006

By Jackson

Substituted for: House Bill No. 704

By McCord

AN ACT to amend Tennessee Code Annotated, Title 53, Chapter 7, relative to the processing of deer meat or carcasses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-7-202(1), is amended by deleting such subdivision in its entirety and by substituting instead the following language:

(1) "Adulterated" shall apply to any livestock, deer, or poultry carcass, part of any livestock, deer, or poultry carcass, meat food product or poultry product under one (1) or more of the following circumstances:

(A) If it bears or contains any poisonous or deleterious substance that may render it injurious to health. In cases where the substance is not an added substance, the article shall not be considered adulterated under this subdivision (1) if the quantity of the substance does not ordinarily render it injurious to health;

(B) If it bears or contains any added poisonous or added deleterious substance, unless such substance is permitted in its production or unavoidable under good manufacturing practices as may be determined by rules and regulations prescribed by the commissioner; provided, that any quantity of such added substances exceeding the limit so fixed shall also be deemed to constitute adulteration;

(C) If any substance has been substituted, wholly or in part, for the livestock, deer, or poultry carcass, part of any livestock, deer, or poultry carcass, meat product or poultry product;

(D) If damage or inferiority has been concealed in any manner;

(E) If any valuable constituent has been in whole or in part omitted or abstracted from the livestock, deer, or poultry carcass, part of any livestock, deer, or poultry carcass, meat product or poultry product; or

(F) If any substance has been added, mixed or packed with the livestock, deer, or poultry carcass, part of any livestock, deer, or poultry carcass, meat product or poultry product, so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is;

SECTION 2. Tennessee Code Annotated, Section 53-7-202(11), is amended by deleting such subdivision in its entirety and by substituting instead the following language:

(11) "Inspector" means an employee or official of this state authorized by the commissioner to inspect the operation and facilities of any custom slaughterhouse or meat or poultry processing establishment;

SECTION 3. Tennessee Code Annotated, Section 53-7-202(15), is amended by deleting such subdivision in its entirety and by substituting instead the following language:

(15) "Meat" means the edible part of the muscle of cattle, deer, sheep, swine or goats that is skeletal or that is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve and blood vessels that normally accompany the muscle tissue and that are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout or ears;

SECTION 4. Tennessee Code Annotated, Section 53-7-202(16), is amended by deleting such subdivision in its entirety and by substituting instead the following language:

(16) "Meat by-product" means any edible part other than meat that has been derived from one (1) or more cattle, deer, sheep, swine, goats or rabbits;

SECTION 5. Tennessee Code Annotated, Section 53-7-202(17), is amended by deleting such subdivision in its entirety and by substituting instead the following language:

(17) "Meat food product" means any article of food, or any article intended for or capable of use as human food, that is derived or prepared, in whole or in part, from any portion of any livestock or deer, unless exempted by the commissioner upon the commissioner's determination that the article:

(A) Contains only a minimal amount of meat and is not represented as a meat food product; or

(B) Is for medicinal purposes and is advertised only to the medical profession;

SECTION 6. Tennessee Code Annotated, Section 53-7-202(18), is amended by deleting such subdivision in its entirety and by substituting instead the following language:

(18) "Official establishment" means any establishment in this state, as determined by the commissioner, at which inspection of the slaughter of livestock or poultry or the processing of livestock, deer, or poultry carcasses or parts of livestock, deer, or poultry carcasses, meat food products, or poultry products, is maintained under the authority of this part;

SECTION 7. Tennessee Code Annotated, Section 53-7-202(25), is amended by deleting such subdivision in its entirety and by substituting instead the following language:

(25) "Unwholesome" means:

(A) Unsound, injurious to health, containing any biological residue not permitted by rules and regulations prescribed by the commissioner, or otherwise rendered unfit for human food;

(B) Consisting in whole or in part of any filthy, putrid or decomposed substance;

(C) Processed, prepared, packed or held under unsanitary conditions whereby any livestock, deer, or poultry carcass or part of any livestock, deer, or poultry carcass or any meat food product or poultry product may have become contaminated with filth or may have been rendered injurious to health;

(D) Produced in whole or in part from livestock or poultry that is diseased, dead, dying or disabled and that has died otherwise than by slaughter;

(E) Produced in whole or in part from deer that is diseased, dying, or disabled and that has died otherwise than by lawful harvest; or

(F) Packaged in a container composed of any poisonous or deleterious substance that may render the contents injurious to health; and

SECTION 8. Tennessee Code Annotated, Section 53-7-204, is amended by deleting subsections (a) and (b) in their entirety and by substituting instead the following language:

(a)(1) Each official establishment at which livestock or poultry are slaughtered or livestock, deer, or poultry carcasses or parts of livestock, deer, or poultry carcasses, meat food products, or poultry products are processed for intrastate commerce shall have

such premises, facilities and equipment, and be operated in accordance with such sanitary practices as are required by rules and regulations prescribed by the commissioner for the purpose of preventing the entry into and movement in such commerce of carcasses, parts of carcasses, meat food products, and poultry products that are unwholesome or adulterated.

(2) Nothing in this subdivision (a)(1) shall be construed as permitting the sale of deer.

(b) No livestock, deer, or poultry carcasses or parts of livestock, deer, or poultry carcasses, meat food products or poultry products shall be admitted into any official establishment, unless they have been prepared only under inspection pursuant to the provisions of this part or the federal Meat Inspection Act or the federal Poultry Products Inspection Act, or their admission is permitted by rules and regulations prescribed by the commissioner under this part.

SECTION 9. Tennessee Code Annotated, Section 53-7-206, is amended by deleting subdivision (2) in its entirety and by substituting instead the following language:

(2) The sale or other disposition for human food of any livestock, deer, or poultry carcass or part of any livestock, deer, or poultry carcass, meat food product, or poultry product that has been inspected and declared to be unwholesome or adulterated under this part;

SECTION 10. Tennessee Code Annotated, Section 53-7-206, is amended by deleting subdivision (4) in its entirety and by substituting instead the following language:

(4) Using in intrastate commerce a false or misleading label on any livestock, deer, or poultry carcass or part of any livestock, deer, or poultry carcass, meat food product, or poultry product;

SECTION 11. Tennessee Code Annotated, Section 53-7-206, is amended by deleting subdivision (7) in its entirety and by substituting instead the following language:

(7) Refusing to permit access by any duly authorized representative of the commissioner, at all reasonable times, to the premises of an establishment in this state at which livestock or poultry are slaughtered or livestock, deer, or poultry carcasses or parts of livestock, deer, or poultry carcasses, meat, meat food products, or poultry products are processed for intrastate commerce, upon presentation of appropriate credentials;

SECTION 12. Tennessee Code Annotated, Section 53-7-206, is amended by deleting subdivision (10) in its entirety and by substituting instead the following language:

(10) Holding, delivering, receiving, transporting, selling, or offering for sale or transportation in intrastate commerce, for human consumption, any uneviscerated slaughtered poultry, or any livestock, deer, or poultry carcass or part of any livestock, deer, or poultry carcass, meat food product or poultry product that has been processed in violation of any requirements under this part, except as may be authorized by and pursuant to rules and regulations prescribed by the commissioner;

SECTION 13. Tennessee Code Annotated, Section 53-7-206, is amended by deleting subdivision (12) in its entirety and by substituting instead the following language:

(12) Applying to any livestock, deer, or poultry carcass or part of any livestock, deer, or poultry carcass, meat food product, or poultry product, or any container of any livestock, deer, or poultry carcass or any part of any livestock, deer, or poultry carcass, meat food product or poultry product, any official inspection mark or label required under this part, except by, or under the supervision of, an inspector;

SECTION 14. Tennessee Code Annotated, Section 53-7-207, is amended by deleting such section in its entirety and by substituting instead the following language:

Subject to the provisions of § 53-7-214(a), no establishment in this state shall slaughter any livestock or poultry or process any livestock, deer, or poultry carcasses, or parts of any livestock, deer, or poultry carcasses, meat food products, or poultry products, for human consumption, except in compliance with the requirements of this part.

SECTION 15. Tennessee Code Annotated, Section 53-7-209, is amended by deleting subsection (c) in its entirety and by substituting instead the following language:

(c) The provisions of this part shall not apply to or affect the slaughter of swine or cattle or the processing of swine, deer, or cattle by or for individuals for their consumption at custom processing plants.

SECTION 16. Tennessee Code Annotated, Section 53-7-213, is amended by deleting subsection (e) in its entirety.

SECTION 17. Tennessee Code Annotated, Section 53-7-216, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a) No person shall maintain an establishment for the slaughtering of livestock or poultry or the processing of livestock, deer, or poultry without first having secured a license from the Department of Agriculture and having paid all inspection and license fees.

SECTION 18. Tennessee Code Annotated, Section 53-7-216, is amended by deleting subsection (d) in its entirety and by substituting instead the following language:

(d) Upon receipt of the application, the department shall make an examination and inspection of the establishment, and if it is found to be in a sanitary condition and to conform to the requirements of this part and of the regulations promulgated pursuant to this part, the commissioner, upon receipt of the license and inspection fees provided in § 53-7-219, shall issue a license authorizing the applicant to carry on such establishment for the slaughtering of livestock or poultry or the processing of livestock, deer, or poultry.

SECTION 19. Tennessee Code Annotated, Section 53-7-220, is amended by deleting subsections (b) and (c) in their entirety and by substituting instead the following language:

(b) No person shall engage in custom slaughtering or deer processing without first being licensed.

(c) The department shall collect from each custom slaughterer or deer processor an annual license fee of twenty-five dollars (\$25.00).

SECTION 20. The Commissioner of Agriculture is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 21. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2007, the public welfare requiring it.

PASSED: May 31, 2007


RON RAMSEY
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 13th day of June 2007



PHIL BREDESEN, GOVERNOR